

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

LAWRENCE KOSA, et al.,

Plaintiffs,

v.

Case No. 13-11786

INTERNATIONAL UNION, et al.,

Defendants.

ORDER SETTING STATUS CONFERENCE

The court held a telephonic status conference off the record on November 1, 2016, in which counsel participated. The parties indicated that mediation efforts have thus far been unsuccessful and that they were ready to prepare for trial of the remaining issues.

The court noted disagreement between Plaintiffs and Defendants with respect to the factual issues to be resolved at trial along with the nature of their proof, resulting in disparate estimates as to the probable length of a jury trial.

In an effort to resolve these disputes and move efficiently toward trial, the court directs the parties to negotiate in good faith regarding proposed jury instructions.

Plaintiffs shall prepare proposed jury instructions¹ and provide them to Defendants, who shall in turn propose changes that they deem appropriate. Should the parties reach

¹ By “jury instructions,” the court means only the essential core final instructions that comprise the court’s explanation of governing law to the jury. This ordinarily includes a non-argumentative introduction to the applicable law, definitions of case specific terms, a description of the burden of proof, and an element-by-element outline of Plaintiffs’ claims(s) as well as any affirmative defenses. Ordinary introductory and concluding instructions are not needed.

agreement, Plaintiffs shall supply the court with the agreed proposed jury instructions by Tuesday, November 22, 2016, at 2:00 P.M. However, if the parties have not reached agreement on a given instruction, Plaintiffs will supply the court with their proposed instruction side by side with Defendant's alternate, effectively highlighting the differences. Purported case law support for each variant must be appended to each set of contested instructions.

Counsel should also discuss and attempt to agree on a methodology of the structure of trial activities (e.g., bifurcated or unified; desirability of retaining the same jury for all matters or not; agreeing on formulae for evaluating damages; submitting damages determinations to a special master pursuant to agreed-on formulae; etc.).

The court will conduct a status conference to discuss and attempt to resolve outstanding disputes. Counsel should be prepared to discuss at the conference any remaining disagreements as to jury submittable issues, the length or structure of trial, or the manner of proof to be presented at trial.

IT IS ORDERED that Plaintiffs shall prepare proposed jury instructions, over which Plaintiffs and Defendants shall endeavor to negotiate in good faith and reach an agreement.

IT IS FURTHER ORDERED that Plaintiffs shall supply the court with proposed jury instructions by **Tuesday, November 22, 2016, at 2:00 P.M.**

IT IS FURTHER ORDERED that all counsel appear for a status conference on **Monday, November 28, 2016, at 2:00 P.M. in Room 1021 at the Federal Courthouse in Detroit.**

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: November 1, 2016

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, November 1, 2016, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522